

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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HICHAM ABOUTAAM,

Plaintiff,

-against-

L'OFFICE FEDERALE DE LA CULTURE DE LA  
CONFEDERATION SUISSE, Federal Office of  
Culture of the Swiss Confederation, *et al.*,

Defendants.  
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No. 18-cv-8248-RA

**DECLARATION OF  
KEVIN N. AINSWORTH**

I, Kevin N. Ainsworth, hereby declare the following to be true under penalty of perjury:

1. I am an attorney and member of the firm Mintz Levin Cohn Ferris Glovsky and Popeo, P.C., attorneys for Plaintiff Hicham Aboutaam. I submit this declaration to place into evidence certain documents pertinent to the motions to dismiss filed by defendants.

2. Attached hereto as Exhibit 1 is a true and correct copy of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted November 14, 1970.

3. Attached hereto as Exhibit 2 is a true and correct copy of a report titled "International Transfer of Cultural Objects: UNESCO Convention of 1970 and Unidroit Convention of 1995: Report of the Working Group," which was published by the Defendant Federal Office of Culture ("FOC"), in 1999.

4. Attached hereto as Exhibit 3 is a true and correct copy of an English language version of Switzerland's Cultural Property Transfer Act ("CPTA"), which I downloaded from a website of the FOC at this link:

[https://www.bak.admin.ch/dam/bak/en/dokumente/kulturguetertransfer/gesetze/kulturguetertransfergesetzkgtg.pdf.download.pdf/cultural\\_propertytransferactcpta.pdf](https://www.bak.admin.ch/dam/bak/en/dokumente/kulturguetertransfer/gesetze/kulturguetertransfergesetzkgtg.pdf.download.pdf/cultural_propertytransferactcpta.pdf).

5. Attached hereto as Exhibit 4 is a true and correct copy of an English language version of Switzerland's Cultural Property Transfer Ordinance ("CPTO"), which I downloaded from a website of the FOC at this link:

[https://www.bak.admin.ch/dam/bak/en/dokumente/kulturguetertransfer/gesetze/kulturguetertransferverordnungkgtv.pdf.download.pdf/cultural\\_propertytransferordinancecpto.pdf](https://www.bak.admin.ch/dam/bak/en/dokumente/kulturguetertransfer/gesetze/kulturguetertransferverordnungkgtv.pdf.download.pdf/cultural_propertytransferordinancecpto.pdf).

6. Attached hereto as Exhibit 5 is a true and correct copy of a Fact Sheet concerning Bilateral Agreements published by the FOC.

7. Attached hereto as Exhibit 6 is a true and correct copy of a memorandum published by the FOC and titled Import, Transit and Export of Cultural Property.

8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the Federal Constitution of the Swiss Confederation.

9. Attached hereto as Exhibit 8 is a true and correct copy of the Association of Art Museum Directors' ("AAMD") "New Report on Acquisition of Archaeological Materials and Ancient Art, dated June 4, 2008.

10. Attached hereto as Exhibit 9 is a true and correct copy of the AAMD's Guidelines on the Acquisition of Archaeological Material and Ancient Art (revised 2013).

11. Attached hereto as Exhibit 10 is a true and correct copy of a collection of New York Times articles regarding antiquities.

12. Attached hereto as Exhibit 11 is a true and correct copy of a New York Times article, dated February 3, 2006, titled: “The Met, Ending 30-Year Stance, Is Set to Yield Prized Vase to Italy.”

13. Attached hereto as Exhibit 12 is a true and correct copy of a document that I printed from the website of the United States Copyright Office showing registration of a copyright in the name of “Swiss Federal Office of Culture” for a book titled “Tschumi on architecture: conversations with Enrique Walker.” That page names a second copyright claimant for the book, Monacelli Press, which is located in New York City, according to its website: <https://www.monacellipress.com/contact/>.

14. Attached hereto as Exhibit 13 is a document that I printed from Amazon.com showing that the book titled “Tschumi on architecture: conversations with Enrique Walker” (referred to in Ex. 12 hereto) is available for purchase via Amazon.com.

15. Attached hereto as Exhibit 14 is a document that I printed from Amazon.com showing a number of books that list the Swiss Federal Office of Culture as either the author, publisher, or editor.

16. Attached hereto as Exhibit 15 is a true and correct copy of an article dated September 11, 2017, from the website [swissinfo.ch](http://swissinfo.ch), with the title: “Priceless Roman sarcophagus heads home after legal saga.”

17. Attached hereto as Exhibit 16 is a true and correct copy of an article dated January 24, 2018, from the website of [www.letemps.ch](http://www.letemps.ch), titled: “Teodorin Obiang inquiry: a rejected Geneva prosecutor.”

18. Attached hereto as Exhibit 17 is a true and correct copy of an article, dated May 13, 2018, printed from the website [www.letemps.ch](http://www.letemps.ch), with the title: “A Genève, des antiquités

séquestrées par la justice ont été volées” (“In Geneva, antiquities seized by Swiss authorities have been stolen”).

19. Attached hereto as Exhibit 18 is a true and correct copy of an article dated August 17, 2018, printed from the website [www.letemps.ch](http://www.letemps.ch) with the title: “La justice genevoise rend 5000 oeuvres à un marchand d'art.” (“Geneva authorities return 5,000 works of art to an art dealer”).)

20. Attached hereto as Exhibit 19 is a true and correct copy of an article dated August 31, 2018, printed from the website of [www.theartnewspaper.com](http://www.theartnewspaper.com) titled: “Swiss Prosecutor returns ‘Mesopotamian’ terracotta animal made by dealer’s 11-year-old-daughter—along with 5,000 seized antiquities.”

21. Attached hereto as Exhibit 20 is a true and correct copy of a letter (with certified translation) from the Public Prosecutor of Geneva to attorney Didier Bottge, Esq. (attorney for Ali Aboutaam), dated August 8, 2018.

22. Attached hereto as Exhibit 21 is a true and correct copy of excerpts from the FOC’s 2017 Annual Report, as well as translations of the excerpts.

23. Attached hereto as Exhibit 22 is a true and correct copy of a mission statement printed from the FOC’s website.

Dated: New York, New York  
March 29, 2019

/s/ Kevin N. Ainsworth  
Kevin N. Ainsworth